

REPARTMENT OF STATE
APPROVAL REVIEW PANEL DATE 12/29/58
(1) RELEASE () EXCISE () DENTY
() Non-regressive information
FOIA Exemptions (g)
PA Exemption (E)

MEMORANDUM FOR:

Director, Joint Staff

Subject:

Status of Actions in the Ad Hoc Working Group on Berlin

J-5 M 52-58
2 December 1958

DECLASSIFY
IN PART

1. (S) (C, DMR)

1. On 1 December, officers from J-5 attended a meeting of the Ad Hoc Working Group on Berlin. The following information and proposed actions were noted:

RELEASE

a. A revised contingency plan has been received from the Allied Commandants of Berlin. We were informed that the British and French rebuked their Commandants for joining in this revision. State will prepare a proposed State-Defense message to U.S. Embassy, Bonn, containing guidance on the revised plan and directing appropriate coordination with the British and French. Joint Staff officers are studying this plan to see whether or not it is adequate in scope, since it is felt the air situation must be considered also.

b. State distributed a paper analyzing and commenting upon the most recent Soviet note. This note is largely propaganda and that aspect of it will be answered by U.S. propaganda measures. However, there are other specific proposals included. The State paper contains a Section D which forms a preliminary basis for a U.S. position with respect to the Soviet proposals on Berlin. Joint Staff suggestions with respect to this Section will be welcomed. A listing of the significant points in this Section is attached at the Enclosure.

2. It is proposed that the Soviet note will not be answered until after a Four Power meeting on 15 December. However, it is desirable to get out the position paper early before the British can again come up with some soft paper.

SECRET

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Dec. 12/30/58

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3. In the end, and before the expiration of the "period of grace" granted by Khrushchev, we will probably find it necessary to come through on our promises to protect West Berlin by force if necessary. Consequently, after the exhaustion of peaceful remedies along the lines contained in the Enclosure, there would have to be a reiteration direct to the Soviet Union by the three Allied Powers of their legal position and of their determination to themselves assume the obligations of the Soviet Union for the protection of the Allied garrisons in West Berlin and of their access rights. This would be accompanied by appropriate deployment of forces and other mobilization measures.

DOUGLAS V. JOHNSON
Major General, USA
Director, J-3

SECRET

E N C L O S U R E

LISTING OF SIGNIFICANT POINTS CONTAINED IN
SECTION D OF STATE PAPER CONCERNING A POSSIBLE
REPLY TO THE RECENT SOVIET NOTE ON BERLIN

1. A U.S. reply to the Soviet note, which would largely avoid
polemics, could set out:

a. The legal position, i.e., that the Soviet Union cannot
unilaterally divest itself of its obligations; that if it
exists on renouncing these, they can only devolve on the
other three principal Allied Powers and not on any fifth
party, least of all the so-called GDR together with a proposal
all parties to the agreements submit the dispute to the
International Court of Justice for decision.

b. A negotiating posture. Presumably this would follow
the line suggested in the November 27 press release, i.e.,
that we are prepared to negotiate on the question of all of
Germany of which Berlin is only a part. There might be some
modification in our position as to the terms of this negotia-
tion possibly along the somewhat softer lines of the German note
of November 14.

2. A possible approach suggested by the Soviet note would be to
take a new approach to the German problem on the assertion that
the "SSR, by renouncing its obligations regarding Germany both
in practice and in principle, has forfeited or foregone its rights
to Germany. Following up such a line would hardly bring any
substantive changes in policy but it might give us greater
maneuverability in negotiating and permit us to restate the under-
lying issues in fresher and more persuasive terms.

3. Assuming that direct negotiations cannot be arranged or
that they fail, either or both seems likely, there would still be
further steps to take to demonstrate that we had exhausted all
peaceful procedures. These would include:

a. Charges in the UN Security Council that the Soviet action is a threat to the peace. This action would presumably meet with a Soviet veto but would provide a good forum for bringing out the nature of the threatened Soviet aggressive act.

b. Additional efforts to resort to the International Court of Justice for the upholding of our legal position. Such efforts would presumably be unavailing since the USSR probably would not accept ICJ jurisdiction.